

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 DANIEL MCKELVEY,

No C 10-1205 VRW

13 Plaintiff,

ORDER

14 v

15 GLOBETRACK WIRELESS, INC et al.,

16 Defendants.

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19 On September 2, 2010, counsel for defendants Globetrack
20 Wireless, Inc and SOS-Wherify, Inc moved for permission to withdraw
21 as attorneys of record. Doc #25. No opposition to the motion has
22 been filed. Counsel declares that defendants have breached their
23 fee agreement by failing to pay outstanding attorney fees and by
24 failing to reimburse litigation expenses. Doc #26 ¶¶3-4. Counsel
25 informed defendants of their intent to withdraw on August 18, 2010.
26 Doc #26 Exh A.

27 Pursuant to Cal RPC 3-700(C)(1)(f), counsel may withdraw
28 if a client "breaches an agreement or obligation * * * as to

1 expenses or fees." Here, the record shows that defendants are in
2 breach of their fee agreement with counsel. Doc #26. Accordingly,
3 the court determines that counsel has shown good cause to withdraw.

4 Pursuant to Civ LR 11-5(a), the court may permit
5 withdrawal of counsel when the client and all other parties who
6 have appeared are given written notice "reasonably in advance" of
7 the withdrawal. Defendants were given notice of counsel's intent
8 to withdraw on August 18, 2010. Doc #26 Exh A. The intervening
9 time period has provided defendants with sufficiently reasonable
10 time to secure new counsel.

11 Counsel are DIRECTED to serve on defendants a copy of
12 this order and a copy of the order to show cause filed herewith.
13 Counsel shall file proof of service on defendants, at which time
14 counsel's motion for permission to withdraw shall be GRANTED. Doc
15 #25. The hearing scheduled for November 4, 2010 is VACATED.

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17 IT IS SO ORDERED.

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21 VAUGHN R WALKER
United States District Chief Judge
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